S.B.CR. MISC. BAIL APPLICATION NO.4919/2007

(Pushpendra Singh Vs. State of Rajasthan)

Date of Order :: October 22, 2007

HON'BLE MR. H.R.PANWAR,J.

Mr. R.K.Charan, for the petitioner.
Mr. Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

Learned counsel for the petitioner submits that the petitioner is having a licence.

Learned Public Prosecutor opposes the bail application and contends that section 49 of the Rajasthan Excise Act (for short `the Act' hereinafter) recently came to be amended, which prohibits the grant of anticipatory bail under section 438 Cr.P.C. Section 49(2) of the Act provides that nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence punishable under the proviso to section 54, or under sections 54B, 54D or 56 of this Act.

The allegation against the petitioner is that he got the illicit liquor loaded in Pick-up vehicle bearing RJ-27 GA-3056 to be unloaded at the house of the petitioner, more particularly the petitioner was found transporting the illicit liquor without being any valid permit. Keeping in view the amended provisions of the Act, which have taken away the powers the grant of anticipatory bail under section 438 Cr.P.C., it is not a fit case to grant anticipatory bail to the petitioner.

The bail application filed by the petitioner under section 438 Cr.P.C. is, therefore, dismissed.

[H.R.PANWAR],J.

m.asif/-